

REMARKS

In response to the Office Action dated December 29, 2003, no claims have been cancelled, amended or added. Claims 1-13 and 15-39 remain in the application. Re-examination and re-consideration of the application is requested.

In paragraph (3) of the Office Action, claims 1-13 and 15-39 were rejected under 35 U.S.C. §102(e) as being anticipated by Klug et al., U.S. Patent No. 5,996,007 (Klug). In paragraph (17) of the Office Action, claims 1-13 and 15-39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Judson, U.S. Patent No. 5,572,643 (Judson) in view of Klug.

Applicants' attorney respectfully traverses these rejections.

Applicants' attorney asserts that this Office Action is improper. Specifically, M.P.E.P., §1214.04 states that only the Technology Center (TC) Director can authorize the reopening of prosecution after a decision by the Board, and that such approval must be placed on the action. There is no such indication by the TC Director on the action, which indicates that the TC Director has not authorized the reopening of prosecution.

In addition, M.P.E.P., §1214.04 states that the examiner should never regard a reversal by the Board as a challenge to make a new search to uncover other and better references. Yet it appears that such a new search was performed.

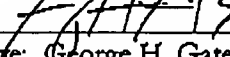
Consequently, Applicants' attorney respectfully requests that the action be withdrawn.

Respectfully submitted,

GATES & COOPER LLP
Attorneys for Applicants

Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 641-8797

Date: March 29, 2004

By: 
Name: George H. Gates
Reg. No.: 33,500

GHG/amb